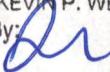


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SEP 22 2023

KEVIN P. WEIMER, Clerk  
By:  Deputy ClerkIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT GEORGIA  
ATLANTA DIVISIONVINEYARD POINTE 1031, LLC  
R JAMES PROPERTIES INC.  
P.O. BOX 451027  
Atlanta, GA. 31145

Plaintiff,

FEDERAL CASE NO. \_\_\_\_\_

Vs.

Cross Reference to Magistrate Case  
Clayton County: 2023CM17530LINDSAY JOHNSON  
And all other occupants  
8213 Hwy 85, Unit 405  
Riverdale, GA. 30274

Defendant,

**NOTICE OF REMOVAL OF ACTION WITH A  
FEDERAL STAY OF EVICTION PURSUANT TO 28 USCA 1446 (D)  
MOTION TO VACATE AND SET ASIDE ILLEGAL EVICTION AND  
DISPOSSESSORY/ WRIT AND DECLARATORY RELIEF  
PRELIMINARY STATEMENT WITH INJUNCTION RELIEF**

1.

This action is brought by Defendant Lindsay Johnson, who holds a fee simple lease agreement to property located at Vineyard Pointe 1031, LLC which is located in Clayton County.

**JURISDICTION**

2.

Jurisdiction and venue of this Court over this matter is invoked pursuant to the 28 U.S.C. A§ 1331, 1332, 1343 and 1337.

**PARTIES**

3.

Defendant Lindsay Johnson is the tenant of property 8213 Hwy 85, Unit 405 Riverdale, GA. 30274.

4.

Plaintiff who is the Landlord known as Vineyard Pointe 1031, LLC is a debt collector and a property management group. FDCPA 15 U.S.C. A§ 2605(i) (2).

5.

The Landlord/ Plaintiff may be served with a copy of this Removal upon its counsel of Record.

**NATURE OF THE ACTION  
AND BACKGROUND FROM DEFENDANT**

6.7.8.

This is an action to enjoin Plaintiff Vineyard Pointe 1031, LLC from conducting and enforcing an illegal writ of possession with respect to property located in Clayton County against Defendant Lindsay Johnson to set aside the illegal eviction in the Magistrate Court of Clayton County. This property is located within the County of Clayton. Defendant Lindsay Johnson further seeks injunction relief against the Plaintiff Vineyard Pointe 1031, LLC.

**COUNT I  
PETITION OF REMOVAL**

9.

The Plaintiff Vineyard Pointe 1031, LLC did violate 15 USC 1692, Rule 60 of the Federal Rule of Civil procedure and having legal duty to abort eviction pursuant to O.C.G.A. 51-1-6. The Magistrate Court of Clayton County Dispossessory action is in violation of 14<sup>th</sup> Amendment of the U.S. Constitution with respect to Due Process Of Law. The Magistrate Court of Clayton County Dispossessory is unconstitutional with respect to the "Due Process Clauses" 14<sup>th</sup> Amendment.

**COUNT II  
ILLEGAL DISPOSSESSORY**

10.

Defendant Lindsay Johnson avers that the Plaintiff illegal dispossessory piggy-backed upon Plaintiff Vineyard Pointe 1031, LLC having no legal standing to Evict on the Defendant Lindsay Johnson.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Defendant Lindsay Johnson respectfully requests that this Court:

1. Enjoin and issue **INSTANTER**, an emergency Notice Of Removal that was filed by the Defendant Lindsay Johnson.
2. Enjoin and issue **INSTANTER** an emergency Motion to Set Aside the Magistrate Court Date because this case has been removed to the United States District Court Northern District Of Georgia (Atlanta Division)
3. Enjoin and issue **INSTANTER** a preliminary and interlocutory injunction against the Plaintiff illegal eviction.

4. Grant such other or further relief as is appropriate. Respectfully submitted,

Lindsay Johnson  
Lindsay Johnson  
(Pro Se / Petitioner)

**CERTIFICATE OF SERVICE**

I, Lindsay Johnson by certify that a copy of the foregoing  
**NOTICE OF REMOVAL OF ACTION WITH A FEDERAL STAY OF EVICTION**

**PURSUANT TO 28 USCA 1446** has been served pursuant to Fed.R. Civ.P 4

This 15<sup>th</sup> day of September 2023 upon all interested parties named below by regular  
United States Mail postage prepaid, unless another manner of service is expressly indicated, to  
ensure proper delivery:

VINEYARD POINTE 1031 , LLC  
R JAMES PROPERTIES INC  
P.O. BOX 451027  
ATLANTA, GA. 31145

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on September 15, 2023:

